

OFFICIAL

Docket No. 55771 (71699)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: K. Leong, et al.

EXAMINER: R. Akhavan

SERIAL NO. 09/871,602

GROUP: 1636

FILED: May 31, 2001

FOR: **BIOLOGICALLY USEFUL POLYPHOSPHATES**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

RESPONSE TO RESTRICTION REQUIREMENT

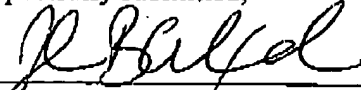
In response to the Restriction Requirement mailed October 1, 2003, Applicants elect Group I, directed to claims 1-36 and 60, as that Group is defined in the Office Letter. Applicants expressly reserve the right to pursue the non-elected claims in one or more divisional applications.

Applicants further respectfully request that rejoinder of the remaining groups be considered by the Examiner following the search.

Early consideration and allowance of the application are earnestly solicited.

November 3, 2003

Respectfully submitted,


John B. Alexander (Reg. No.: 48,399)
Dike, Bronstein, Roberts & Cushman
Intellectual Property Group
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
Tel. (617) 439-4444

353669

Edwards & Angell LLP

101 Federal Street Boston, MA 02110 617.439.4444 fax 617.439.4170
www.EdwardsAngell.com

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Date : November 3, 2003

<u>From : John B. Alexander, Ph.D.</u>	<u>Fax : (617) 439-4170</u>	<u>Direct : (617) 517-5555</u>
<u>To : Group 1600</u>		
<u>U.S. Trademark & Patent Office</u>	<u>Fax : (703) 872-9306</u>	<u>Direct :</u>

Pages : 6

(including cover sheet)

If you received a partial delivery, please call Michelle P. Chicos at (617) 517-5551.

Re :

USSN: 09/871,602
55771 (71699)

Kindly enter the attached amendment.

Fax

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P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Request for Reconsideration for this application.

STATUS

2. Applicant is
☐ a small entity. A statement:
☐ is attached.
☐ was already filed.
☒ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office (703) 872-9306.

Date: November 3, 2003

Signature

John B. Alexander, Ph.D.

(type or print name of person certifying)

(Amendment Transmittal--page 1 of 4)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal--page 2 of 4)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

(Col.1)	(Col. 2)	SMALL ENTITY			OR	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
			\$9.00	\$0.00		\$18.00	
Independent Claims			\$42.00	\$0.00		\$84.00	
First Presentation of Multiple Dependent Claim+			\$140.00	\$0.00		\$280.00	
						Total Addit. Fee	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ _____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ 0.00
☐ Charge Account No. _____ the sum of \$ _____
 A duplicate of this transmittal is attached.

(Amendment Transmittal--page 3 of 4)

FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. [X] If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- [X] If any additional fee for claims is required, charge Account No. 04-1105.

Date: November 3, 2003


SIGNATURE OF PRACTITIONER

John B. Alexander, Ph.D. (Reg. No. 48,399)
(type or print name of practitioner)

EDWARDS & ANGELL, LLP
Dike, Bronstein, Roberts & Cushman
Intellectual Property Group
P.O. Box 9169
Boston, MA 02209
Tel. No. (617) 439-4444

Customer No. 21874

BOS2_353670.1

(Amendment Transmittal--page 4 of 4)